

REMARKS

This application has been reviewed in light of the Final Office Action dated February 21, 2007. Claims 1-10 are pending, with only Claim 1 in independent form. No changes to the claims have been made by this response. Favorable reconsideration is respectfully requested.

Claims 1-10 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by EP 0990996 (Loui et al.), which is Applicants' own invention. These rejections are respectfully traversed and reconsideration is respectfully requested for at least the following reasons.

Independent Claim 1 requires, among other things, providing a group of images from a digital source, wherein said images are in chronological order and lack other date and time information. Additionally, Claim 1 requires, among other things, clustering of the images into smaller groups based on chronological image similarity that is done in at least one stage by comparing each image with its direct neighboring images in said chronological order. Accordingly, Applicants submit that Claim 1 pertains to clustering of images in a chronological similarity order, such images lacking specific date and time information. Accordingly, this invention is useful, among other things, for organizing images chronologically based upon information other than date and time information. For example, merely having a sequence of images having file names in the form of numbers that sequentially increase, could be used to infer a chronological order in which the images were captured. In this instance, each image does not have to have specific date or time information to be grouped chronologically.

In rejecting the features of Claim 1, the Office Action refers specifically to paragraph [0013] of the EP '996 Patent, which refers to step S20 in Figure 1. However, contrary to the language in Claim 1 stating that the group of images "lack other date and time information", paragraph [0013] and step S20 in Figure 1 of the EP '996 patent, step S20 require that a date and time be associated with image content to organize pictures chronologically. This point was set forth by Applicants in their previous response. In reply, the current Final Office Action states that such point is not persuasive because paragraph [0007] of the EP '996 Patent states that if date and time information is unavailable, then a block-based analysis may be used as the sole basis for classification. However, a block-based

analysis is a way to classify images by looking at particular regions of adjacent images to classify them, and does not involve any chronological analysis as a way to group images. Accordingly, paragraph [0007] explains that if time and date information is not available, a block-based analysis may be performed in lieu of a chronological analysis. On the other hand, the EP '996 Patent describes that if time and date information is available, then the chronological analysis set forth at paragraph [0013], for example, may be used. Therefore, these portions of the EP '996 Patent describe mutually exclusive ways of processing an image, and Applicants have not found any teaching or suggestion in the EP '996 Patent to the contrary.

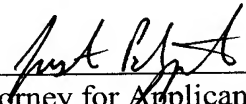
For at least these reasons, Applicant respectfully request reconsideration of the patentability of Claim 1 in view of the EP '996 patent.

The other rejected claims in this application depend from Claim 1, discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

This Response After Final Action is believed to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. §1.116. Accordingly, entry of this Response After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing review and remarks, Applicants respectfully request favorable reconsideration and the allowance of the present application.

Respectfully submitted,



Attorney for Applicant(s)
Registration No. 52,118

Justin D. Petruzzelli/gms
Rochester, NY 14650
Telephone: 585-726-7522
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.